

Nicholas Fitzpatrick Raped and Stabbed in Prison



Nicholas Fitzpatrick's Letter to his Mother

Mom,

I've got a serious problem. I hate to tell you this, but my mind is racing a million miles a second. Just don't flip-out! I'm in the hole and just got back from the hospital. A guy named Goodner raped me and he has hepatitis-c. He took a razor blade and slicked through 3 of my fingers. I'm in a lot of pain and these c.o's don't believe a word I'm saying. I talked to the state police detective at the hospital too. I'm pressing charges. Mom, I don't want to be in the hole. Please do whatever and get me out of this hole. Goodner raped me 4 times. I didn't tell because Stoddard, as you know, will have me in the hole and at Standish. Mom, I won't be in this hole! I won't go through what I was going threw at Baraga. How can I be held in the hole when I am the one who got raped and sliced up with a razor? I hope they didn't throw away any of my property.

I don't know what to say. I am dying. I'm in pain. I can't stop shaking. These police don't believe me. I'm sick of prison. Everyone but these c.o's see shit! Please call congress and have them put me back over in P.C. Anywhere but this hole. I hate being in the hole.....

My stomach really hurts. My nerves are shot. I told these c.o's that I didn't want to go into the hole. They're keeping me in it though. They can't do this. I got this guy's cum still up in me. They won't give me a shower. Call Aunt Connie and ask her to call her people in Lansing to get me out of this hole.

I'm going to give up. I'm scared. I've been through to much in here. You've got to call Connie and tell her. I've finally told on someone and now I am being called a liar! I can't handle this shit anymore. There are so many crazy thoughts on my mind. I can't get this hepatitis-c thing out of my mind. No wonder my uncle committed suicide when he had hepatitis-c. I can't get married to a beautiful woman and have kids. That's what matters to me. I've been hiding my fears for to long. I feel so sick, dizzy, and I finally pucked! These people are corrupt. I ran up to the bubble all bleeding and told the officer and he took his sweet little time. I was just thinking of that. I'm surprise my legs didn't give out on me! Got to get a hold of Natalie Holbrook at American friends service committee also. Tell her Goodner finally did it! I wrote her months ago complaining about Goodner.

Look, Ms. Williams was all making fun of me to saying, "That's kind of funny you got sliced on the outside of your fingers, etc." This C.O has been fucking me over for months. I hope she burns in hell for that statement. How can people be so mean and corrupt! I didn't do shit. I wrote a grievance and mailed it to them and on Friday I got a reply saying they'd investigate. Then today and yesterday I got raped 4 times. On 08-25-04; 09-05-04; 09-26-04 and 09-27-04.

I got to go now. The C.O's still haven't brought me a N.O.I, or anything stating why I'm in the hole, maybe tomorrow.

I love you and need to hear from you.

Nicholas Fitzpatrick Letter from a Fellow Inmate

Oct.7, 2004

Nick

Hey! I hope this letter finds you in the best of health and spirits considering your unfortunate circumstances.

I will get straight to the meat of things. I received your belated letter on Friday, October 1, 2004. I guess staff had the desire to censor its contents, and so forth. I have been threatened, bribed, and you name it, concerning you and the information I know. I don't care though because you know I will have their jobs if they push too far. It was no surprise that Goodner raped you again. Staff knew exactly what was going on, but simply did not care, and/or maliciously allowed it to perpetuate into what it did. Indeed, I personally spoke with c/o Williams on or about Sept. 25, 2004, indicating that Goodner was forcing himself on you, and that they should really do something, and she had the nerve to tell me that it was none of my business as to what's going on, and that you "were a homosexual, a liar, and a snitch." c/o Williams further indicated that if I kept making it my business that she would have me put in the hole, like she did Israel. Thus, there is no question that the staff has been malicious, and reckless with regard to your health and safety

Any way, I hope that the rape kit will establish that Goodner did indeed sexually assault you, but even if it didn't he admitted sexual intercourse to staff upon immediate contact, claiming consent {which is his techniaive when caught with hand in the cookie jar.} Thus, DNA or not, Goodner admitted to staff that there was sexual contact.

It also not surprising that you indicated that the LT { I need his name or physical description } was asking you questions about me right off the rip. He's probably done so because I had that discussion with c/o Williams just a day or so before the final incident. The SGT, LT, and c/o Williams were seen shortly after the incident collaborating on what they were going to do and say, and throwing out for all to hear that you were a liar, a snitch, and Goodner did not rape you, etc.

I have heard that lots of inmates are being offered bribes, and shit, to make up statements that you and Goodner were actual lovers.

This is the department's way of sterilizing their complicity in failing to act. Indeed, when I was called out to see the female state police officer, I was first met by local staff { rum Vroman }, and directly threatened and bribed, there were prisoners like Mary, E , Mook and several others making-up stories to try and save tune. Indeed, one story they made up is that they have a letter indicating you were going to set-up Tune. I said this was pure propaganda, and an attempt to manipulate the real story. Also, when the state police officer asked me about you I gave her a lot of info, and expressed my fears about stepping forward, do to the staff corruption which is rampant around here.

I briefed your mother, aunt, Natalie, Jim Armstrong, and the Inspector as to your situation, and c/o Ms Williams on the flagrant improprieties therein. I'm sure that people are going to start retaliating and what not, you know what I say, "so be it". However, they should take notice that the last time. They transferred

me, and subjected me to reprisal for exercising first amendment guarantees,, I had them under oath just a few months later in federal court, and careers were in jeopardy.

I need to know whether you filed a grievance on the latest event. Did you process it at the local level or step III? Did you include c/o Ms, Williams let me know as soon as possible, remember, we have a legal-agreement and your case manager is required to pass to my case manager any and all legal information, If they refuse, Write a grievance for violating the legal-agreement policy directive. the other person that was raped by Bibbs in May/Jun has his complaint going in to Federal Court on Oct, 24, 2004, fully exhausted, and you can bet that there is a reference to your situation [for factual purposes] and outlining the punishment you are receiving despite having been a rape victim, get you a legal pad and start a diary of everything going on, dates, names, people, places, etc. Ill close this chapter for now, but will shoot at you later, Go through this letter line by line, And answer all my questions a/s/a/p Also, make me copies of any and all grievances, And send through case manger, Document when you gave it to them, and so forth, put deadline on the front of every packet you give them, also, I need to know did you receive the confidential statement I prepared. And gave to Arus Rose on Sept. 29, 2004 for delivery to you for submission to a hearing investigator for any no I or major misconduct written? I need to know.

Until next time, you take care, be strong, do not catch tickets, or be baited into catching tickets, and shout at me, people are in your corner on this one, and when it's all said and done, people are going to break under pressure. Also, bailey took care of them fifteen legal pages, write him and let him know I told you this. He said take care.

Your friend

Scott

Things to consider Concerning Goodner's predatory behavior:

1. Goodner was once designated as a homosexual predator after preying on another prisoner and forcing said prisoner into sexual intercourse
2. Goodner has a history of violence, predatory behavior, and manipulation while in general population, and protective custody.
3. Goodner tried to rap prisoner Robert Baker in the Oaks facility by way of personally entering Robert Baker's cell, and demanding sex.
4. Goodner has physically attacked other prisoners at IBC while in the shower's and was then written a major misconduct for it, and subsequently found guilty of assault.
5. Goodner's violent behavior provoked a preemptive attack against Goodner while in the school room at IBC by a prisoner that was much smaller then Goodner
6. Goodner was known to have hep-c by Departmental staff, but he was not permanently placed in administrative segregation {like HIV positive prisoner who are assaultive} despite Goodner having a life threatening disease that can be spread by way of blood and body fluids.
7. Goodner behavior in the protective custody unit has prompted numerous prisoners to complain, write complaints and grievances, but departmental staff refused to do anything.

Nicholas Fitzpatrick Raped and Stabbed in Prison

Update 10/11/2004

Dear Lee

On Monday October 11, 2004 I went to see my son, his aunt Connie met me there she told me the hospital gave my son meds for his rape, when we went in to the prison we asked to see Mrs. Mitchell and was told she was out, I also was told that I could not get a picture of my son and asked why. The CO said it's because of his in segregation [the hole] and that I would have to talk to him behind glass, I was not happy about this.

When I got back to see him he was in shackles [all locked up] he said mom I don't understand why I'm still in the hole, and he said he was not able to shower for 3 days after the rape. He also told me the room he was in the toilet backed up and they gave him a ticket for that and moved him. Now he has a new case manager, a guy, and is being moved. He was not allowed to have water for 3 days,

I asked him, "You had no water to drink?"

He said, "No, I would ask and when the COs had time they gave it to me."

I said, "What about when you had to flush the toilet?"

He said, "When they got around to it."

I asked, "Keep notes, dates and names and mail them to me."

He said, "I am not allowed to send mail either."

Now he is the victim so why are all his rights being taken away? Oh I'm so mad. I'm going back up on Wednesday.

While I was there Monday I went to the state police and asked for the record of what happened. They gave me a paper to fill out and mail. They said the case is still open. I'm meeting with the investigating officer Wednesday. I also went to the hospital to get his medical record and of course I got a form to fill out and I will get that Wednesday also.

Before leaving the prison I asked to see the warden and of course I was told to make an appointment and asked to see his new case worker and of course he was out to lunch.

I was trying to find a lawyer in Ionia for him but could not find one yet.

The guards are telling my son he's a liar and he better tell the truth, his incoming mail he gets to him but its all gone through. The COs also tell him he better drop the charges. I told my son to just tell them God knows the truth, and God will take care of me.

When I arrived to the prison I gave the CO at the front desk a piece of paper and a money order so I could pick up my sons grievance he sent to Lansing two weeks before the rape asking for there help. I was told that they would mail it to me. Now why couldn't they just give it to me

while I was there? I'm sure they know I will be getting a lawyer.

A while ago I was trying to get my son moved to another prison for a class he has to take and they explained to me level 4 can't take classes. Ok I understand that, so now they are saying he's just doing this to get moved but he doesn't want to go where they want to send him, Standish. He knew if he got moved before all this was over he would go there. Standish is a level 5, my son was almost to a level 3 and the warden told him he would never get out of this prison.

I sent you my son's letter he wrote to me and he said you can write a story. I found out how it happened, him getting cut, the guy told him he was going to kill him and took this home made knife up to his neck to try to cut him there and my son put his hand up near his throat to protect himself and got cut all along his fingers and received stitches.

I asked him about the cameras. He said that there are two parts in the shower you are away from the camera. He told me two months ago a handicapped man got raped in the shower and they locked that area in which there was only one spot left.

He said after his rape and stabbing he ran to the CO cage and showed the CO. He came out and asked what happened and my son told him. Nick said he ran back in the glass, asked were the other prisoner was and if he still had the weapon.

My son was scared and ran to another cell and shut the door and held it. There was another guy in there and asked my son what happened. My son said you don't want to know. When the other COs got Goodner they came and got my son. He would not open the door he was afraid. The COs said open it now so my son did.

He said it took around four hours before he could go to the hospital and upon return to the prison he was put in the hole with no shower for 3 days.

I'm going to do all I can to help my son. The guards are telling the prisoners in PC to lie. One man wrote me a letter and told me when the state police came to talk to them he told them that he was afraid to tell what happened for the COs there will put him in the hole and make it hard for him, and he told them what he knew.

I'll keep ya up to date on my next visit.

Thanks

Kim Powell

Nicholas Fitzpatrick

Letter to the MDOC Director

Kimberly Powell
2755 Golfers Drive
Highland Michigan 48356

October 20, 2004

Director Patricia Caruso
Michigan Department of Corrections
Grandview Plaza
P.O. Box 30003
Lansing, Michigan 48909

Dear Director Patricia Caruso:

It is my understanding that the Michigan Department of Corrections created an independent Self Audit of Policies and Procedures Policy Directive (PD 01.05.100), which encourages the Warden of each institution to process cures and remedies for deficiencies found in the existing Policy Directives. With that in mind, Warden Kenneth McKee at Bellamy Creek Correctional Facility apparently does not take his job seriously and has neglected to comply with PD 013053100. Thus, I am doing it for him since it is my tax dollars that are being spent to run the institution.

For the record, I believe there are glaring deficiencies with regard to reporting provisions for HIV positive prisoners contained in PD 03.04.120(NN) because it only requires that each Warden and FOA Regional Administrator to timely report on "HIV" positive prisoners at their respective facilities who have been found guilty of sexual misconduct, sexual assault, physical assault or fighting. Yet there is no reporting provision in place for infected with the deadly blood-borne disease known as Hepatitis-C (HCV); indeed, there isn't even any special provision in place for permanent placement in administrative segregation for prisoners with HCV known to be engaged in high risk behavior, unlike the HIV provision.

As a result, prisoners like Anthony A. Goodner #152412 (HCV infected) are given free reign to fight, rape, assault, do as they please and engage in high risk behavior absent any reporting requirement or permanent administrative segregation placement.

For example, existing records show prisoner A. Goodner #152412: a) has been diagnosed with HCV; b) has been counseled; c) has received a homosexual predator designation; d) has tried to rape prisoner Robert Baker in Oaks Correctional Facility; e) has been involved in a stabbing at Oaks Correctional Facility, requiring another prisoner to receive surgery; f) has received fighting tickets at Bellamy Creek Correctional Facility while housed in so-called Protective Custody Unit; g) has physically assaulted another prisoner (Kevin Giles) in the showers at Bellamy Creek Correctional Facility; and h) has most recently raped my son (Nicholas Fitzpatrick #272775) no less than four times using psychological warfare, threats of violence and physical violence. Additionally, Goodner has engaged in sexual relations with multiple sex partners (other prisoners) and has potentially spread HCV in numerous proportions.

Consequently, it is time for you to have the Office of Policy and Hearings, as well as the Michigan Attorney General's Legal Advisor Division to review the Policy Directives in the is area and fix what is obviously broken. After all it is my tax dollars that are taken to run your prisons. Failure to do anything amounts in my opinion to further the acts of the deliberate indifference and gross negligence. Moreover, if the prisoners like Goodner are permitted to engage in high risk behavior and spread the HCV throughout the prison, it costs the taxpayers more money for medical expenses and civil liability when it could have been abated by my simple suggestion.

Therefore, I hope and pray you have the courage to address my concerns and I really look forward to a reply.

Sincerely,

Kimberly Powell

Cc: file

Kimberly Powell
MDOC Dir. Patricia Caruso
Governor Jennifer Granholm
Warden Kenneth McKee
Senator Nancy Cassis

The original and copies were signed and notarized.

Nicholas Fitzpatrick Letter To Gov. Granholm

Kimberly Powell
2755 Golfers Drive
Highland Twp, Michigan 48356

To: Gov. Jennifer Granholm

George W. Romney Bldg., 2nd Floor
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MDOC Director Patricia Caruso

Grandview Plaza
P.O. Box 30003
Lansing, Michigan 48909

State Rep. Ruth Johnson

(HOB--1895)
124 N. Capitol
Lansing, Michigan 49712

Stop Prisoner Rape

6303 Wilshire Blvd
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Warden Kenneth McKee

Bellamy Creek Correctional Facility
1727 W. Bluewater Hwy.
Ionia, Michigan 48846

Hearings Admin. R. Stapleton

Office of Policy and Hearings
P.O. Box 30003
Lansing, Michigan 48909

Re: Rape and Stabbing of Nicholas Fitzpatrick #272775, and
Continued Violation of the Prison Rape Elimination Act of
2003, 42 U.S.C. § 15601-02 (2004)

To Those it May Concern:

Dated: 10/01/2004

It was only last year that Correctional Staff at Bellamy Creek Correctional Facility killed a prison inmate (who happened to have a family member in the Michigan Legislature). Said inmate was denied water to the point of dehydration and his eventual death. Incredibly, Bellamy Creek Correctional Staff were exposed in trying to cover-up their complicity in the murder, but nobody was ever held accountable for it. Consequently Bellamy Creek Correctional Staff have only been

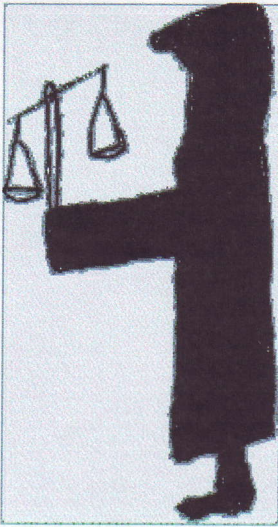
emboldened by a pervasive pattern and practice of a gray wall of silence, brutality, and corruption, which has resulted in the repeated rape and stabbing of my son (Mr. Nicholas Fitzpatrick).

Specifically, while my son was housed in Bellamy Creek Correctional Facility's purported high profile Protective Custody Unit, he made repeated and desperate pleas for help indicating that he had been exposed to repeated acts of psychological terror, rape, and prostitution. In fact, my son very recently complained that Staff were housing a dangerous, well-known homosexual predator near him, that my son have Hepatitis-C, that had a history of violence and attacking other prisoners in the showers while housed in the Protective Custody Unit, and even complained that said prisoner (Mr. A. Goodner # 152412) started out pulling his hair, grabbing his buttocks, threatening him with a homemade razor knife, employed psychological terror against him, and ultimately anally penetrated him on two occasions while in the showers. Indeed on Sept. 10, 2004 my son prepared a Step III grievance predicated on Staff corruption and deliberate indifference to his health and safety, while explaining that prisoner Goodner had sexually assaulted him on two specified occasions, which was reviewed and processed on Sept. 22, 2004. (See Grievance ID No. 164293, 26h, referring said complaint to Internal Affairs). Yet, nobody acted to have my son and Goodner temporarily separated until the conclusion of an investigation, and my son was again twice sexually assaulted, with the last incident resulting in my son being stabbed and sent to the hospital where he received stitches, and Semen evidence was found inside his rectal cavity. As a result, Staff are now trying to figure a way of mitigating their complicity in this, are holding my son in the hole, and are trying to manufacture false charges that my son stabbed himself and consented to being anally penetrated by a prisoner who my son believed to have Hepatitis-C.

Notably, each and everytime my son complained he was either confronted with threats, retaliated against, or told that he was a homosexual and had nothing coming. Likewise, local staff, including RUM Vroman, ARUS. Rose, Sgt. Wise, Sgt. Curry, C/O Williams, C/O Collier, and other departmental employees constantly rebuffed my son's claims. Furthermore, after the latest attack Staff are attempting to cover-up their actions or more aptly, non- actions by offering other inmates special concessions and considerations to lie and say they know the sexual encounter was consensual and that my son actually cut himself. The leader in this effort to obstruct justice is C/O Ms. Williams who obviously has everything to gain by covering-up her indifference, and her failure to provide adequate security in a Protective Custody Unit on the day in question.

Therefore, I hope and pray that my son be let out of the hole, that this matter be thoroughly investigated, that people be held accountable, and that there is immediate adherence to the recently enacted Prison Rape Elimination Act of 2003, 42 U.S.C. § 15601-02 (stating "the purpose of this chapter is to: (1) establish a zero-tolerance standard for the incidence of prison rape in prisons in the United States. (6) increase the accountability of prison officials who fail to detect, prevent, reduce, and punish prison rape").

The original was signed by Kimberly Powel and notarized.



The Injustice System

A Non-Profit Corporation

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Governor Jennifer Granholm
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111 S. Capitol Avenue
Lansing, MI 48909

Re: Our Prison system.

Dear Governor Granholm:

Please find enclosed a few pages on my organization, a letter to you from Kimberly Powell regarding her son Nick Fitzpatrick, an update on his case, a letter from him to his mother and a letter to him from a fellow prisoner.

The Fitzpatrick case is not an isolated case. There are many cases of abuse of prisoners by other prisoners and guards who have no regard for the safety of prisoners. In fact most cases could be prevented if the guards did not look the other way and if they did not put prisoners in a position where they will be abused by other prisoners.

We need a complete investigation of all prisons and a financial audit.

Drugs are easily available in our prisons because the guards look the other way and in many cases smuggle them in to the prison. Guards abuse prisoners and set them up for abuse by other prisoners.

Medical care is poor at best. The medical staff does not care about helping prisoners. The doctors are there because they are not good enough to have there own practices.

Violent and non violent prisoners are put together in the general population. Prisoners are written tickets for no reason except the guards do not like them and their security status is raised because of the tickets. This means that prisoners are in maximum security that should not be there.

Prisons are also used as mental institutions. The mental hospitals release patient who are not ready for release. The doctors release them because with their meds they are OK. The problem is that they do not take their meds when they are released. Take a look at down town Detroit and the Cass Corridor and you will see many homeless people who should be in the mental hospitals. Instead they may end up in prison.

It seems like parole boards let out the wrong prisoners. Many end up back in prison. Many do not get parole that deserve it. In many cases it is because of the tickets the guards give them because they are mad at the prisoners.

The prisoners' lives are in the hands of the guards. The guards are usually cruel and inhumane. They do what they can to make the prisoners life miserable. When I saw what was being done in Iraq to the prisoners I was not surprised because it happens in the prisons here all of the time.

Nick Fitzpatrick is not the exception to the rule. It is the rule.

Prison is big business and the prisoners are money for the guards and other prison officials.

Most prisoners will be released some day. One reason rehabilitation is not fully used is money. Please think about the fact that not to rehabilitate is much more expensive. The revolving door can be stopped if the prisons did their jobs. If a prisoner is rehabilitated he is less likely to return to crime and to prison.

Many people say they deserve what they get. When I talk about the thousands of innocent people in prison they say that they are probably guilty of something else and belong there anyway.

Many prisoners are good people who made a mistake. Granted many are real bad people who should never get out. These people should be separated but they are not. Many should not have gone to prison in the first place.

Another thing to consider would be sentencing. I read a book written by an ex-con. He suggested that all prison terms should be one year to life. No maximum sentences. If a prisoner is a danger to society he should not be released. If a person is no longer a danger to society he should be released.

Are prisons a form of punishment or a method of keeping those who are a danger to society out of society? I think they should rehabilitate and keep those who are a danger to society out of society. The two should be separated from each other.

Right now prisons are a training ground for crime. The prisoners have time to improve their craft. They have to be given training in a new craft which is not a crime.

What can be done?

1. Investigate and prosecute cases of corruption and abuse.
2. Separate the violent and nonviolent prisoners.
3. Make sure all personnel are qualified for their jobs.
4. Give psych exams to all workers who have contact with the prisoners.
5. Use random drug testing of workers and prisoners.

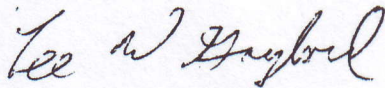
6. Use drug sniffing dogs for all visitors, incoming goods and prison areas.
7. Establish or improve rehabilitation programs
8. Establish or improve education programs.
9. Revamp the parole system so that those who deserve it get it and those who don't deserve it don't get it.
10. Revamp sentencing standards, no more excessive sentences, no more mandatory life without parole, reasonable minimums and in the case of violent offenders no maximums
11. Audit all prisons financial records.
12. Investigate all prisons for abuse of prisoners and drug trafficking by guards and other staff. (It is as easy to get drugs in prison as it is on the streets.)

Governor Granholm, I hope that you read my letter and I hope that you take my suggestions and use them to improve the system. Our country has a prison system that is a disgrace and worse than most of the civilized countries in the world. If you take a look at The Injustice System web site you may realize that what I say is true and you may want to do something about it. You are in a position to bring Michigan's prison system out of the dark ages.

I realize that many disagree with me but I feel that is because they do not know how bad it is. They do not care because they feel they will never be in the system. The sad thing is that someday they may be. You do not have to be guilty to go to prison. If you are a minority and/or poor, you may go to prison whether you committed a crime or not.

Thank you, for your consideration and I hope and pray that you do the right thing.

Yours truly,

A handwritten signature in cursive script that reads "Lee W. Gaylord". The signature is written in dark ink and is positioned above the typed name.

Lee W. Gaylord
Founder
October 18, 2004